IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.5522-M of 2007
Date of Decision:- 29.1.2007

Manjeet ....Petitioner(s)

through
Mr.S.R.Hooda, Advocate

vs.

State of Haryana & anr. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

Notice of motion.

Mr.Tarun Aggarwal, learned Sr.DAG, Haryana, accepts notice.

The petitioner, who is a life convict, is aggrieved at the order dated 3.1.2007 (Annexure P-2) whereby parole for house repairs has been denied to him on the ground that as per the report of the Deputy Commissioner, Sonepat, the house of the petitioner is in good condition and does not require any repairs.

Undoubtedly, parole can be granted under Section 3 (1)(d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 only if a "sufficient cause" is made out.

The repair of house, in a given situation, may also be a "sufficient cause" provided that the house is in a dilapidated condition and unsafe for human habitation.

The petitioner, however, relies upon a certificate purported to have been issued by the Municipal Councillor of Ward No.20 Sonepat (Annexure P-1) according to which his house is in a dilapidated

condition and can collapse any time. It is mentioned in the certificate that the elder brother of the petitioner is also lodged in the District Jail whereas his younger brother is physically handicapped and that his parents are very old and, thus, there is none who can get the house repaired.

Since in the impugned order dated 3.1.2007 (Annexure P-2), there is no mention with regard to the contents of the report of the Municipal Councillor, it appears that the stand taken by the petitioner needs re-verification.

Consequently, this petition is allowed to the extent that the impugned order dated 3.1.2007 is quashed with a direction to the Director General of Prisons, Haryana to get the facts re-verified and thereafter pass an appropriate order within a period of two months from the date of receipt of certified copy of this order.

January 29, 2007 **(SURYA KANT)**
poonam **JUDGE**